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RULES AND ORDERS

FOR

The Regulation and Government

OF THE

HOUSE OF DELEGATES

OF

MARYLAND.

JANUARY SESSION, EIGHTEEN HUNDRED AND FIFTY-THREE.



ANNAPOLIS:

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MDCCLIII.



RULES AND ORDERS.

TOUCHING THE DUTIES OF THE SPEAKER.

RULE 1st.

The Speaker shall take the Chair, every day, precisely at the hour to which the House stands adjourned; shall immediately call the Members to order, and after Divine Service has been performed, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

RULE 2nd.

He shall preserve decorum and order; may speak to points of order in preference to other members; shall decide questions of order, subject to an appeal to the House, by any two members; and his decision of any question shall be final, unless the yeas and nays be required; and he may vote on every question, except on an appeal from the decision of the Chair, on a question of order.

RULE 3rd.

The Speaker shall examine and correct the Journal before it is read; he shall have a general direction of the Hall; he shall have a right to name, from time to time, any member to perform the duties of the Chair, but such substitution shall not extend beyond a term of seven days; he shall appoint all conferees and committees, unless otherwise directed by the House; and may admit Stenographers, willing to take down the debates, and assign them such places, on the floor, or elsewhere, to effect their object, as shall not interfere with the business or convenience of the House.

RULE 4th.

In case of any disturbance or disorderly conduct, in the gallery or lobby, the Speaker (or Chairman of the Committee of the Whole House,) shall have power to order the same to be cleared.

RULE 5th.

No person shall be admitted within the bar of the House, but members of the Executive and Judiciary Departments, members of the Senate, Ex-Governors, former members of the Legislature, and such other persons as may be invited by the Speaker.

OF THE ORDER OF BUSINESS.

RULE 6th.

The Clerk of the House shall, within six days from the commencement of the Session, place in the hands of the Speaker, a correct list of all bills, resolutions and reports, which originated in this House, and were referred from the preceding to the succeeding session.

RULE 7th.

Bills to carry into effect provisions of the Constitution, which are required, by it, to be acted on at the present session, shall be entitled to preference over all other business.

RULE 8th.

Immediately after the reading of the proceedings of the preceding day, the Clerk shall announce the bills ready for a second or third reading, and the orders of the day; after which, the following order of the proceedings shall be observed:

The presentation and disposition of petitions, memorials, applications, or other papers.

Orders and leaves to introduce bills and resolutions.

Reports of standing committees.

Reports of select committees.

Bills reported for a first reading.

Bills entitled to a second reading.

Reports, orders and resolutions entitled to a second reading, and bills entitled to a third reading, will be taken and received in due order.

The order of the day will then be taken up for consideration ; which last shall not be taken up before 12 o'clock, unless all the ordinary business shall have been previously disposed of, and shall, after that hour, have preference over all ordinary business.

OF DECORUM, DEBATE, & c .

RULE 9th.

Every member shall take his seat when the Speaker takes the Chair.

RULE 10th.

No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

RULE 11th.

When a member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat uncovered, and respectfully address himself to "Mr. Speaker." He shall confine himself to the question under debate ; shall avoid personality, and shall use some other distinction than the proper name of any other member to whom he may refer in debate.

RULE 12th.

If two or more members shall rise to speak at the same time, the Speaker shall determine which shall speak first, and no member shall speak more than twice to the same question, nor more than once, until every member, choosing to speak, shall have spoken.

RULE 13th.

If any member shall, in any manner, transgress the rules of the House, the Speaker shall, or any member may, call him to order ; in which case, the member so called to order, shall immediately sit down, unless permitted to explain ; and the House shall, if appealed to, decide on the case, but without debate ; if there be no appeal, the decision of the Chair shall be submitted to ; if the decision be in favor of the member called to order, he shall be at liberty to proceed ; if otherwise, he shall not be permitted to proceed without leave of the House ; and if the case require it, he shall be liable to the censure of the House.

RULE 14th.

No member shall vote on any question in the result of which he is immediately and particularly interested, nor in any case where he was not present when the vote was taken, without leave of the House; and upon a division and count of the House on any question, no member without the Bar, shall be counted.

RULE 15th.

Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him; and the refusal of any member present to vote on calling the yeas and nays, shall be noted on the Journal, at the request of any member.

RULE 16th.

No member, without the permission of the House, shall answer on the yeas and nays, who did not divide on the question; and if any member divide on one side, and answer on the other on calling the yeas and nays, the same shall be noted on the Journal at the request of any member.

RULE 17th.

No member shall take out of the House, any bill or other paper belonging to the House, without leave of the Speaker; and no original paper shall be delivered to any person during the recess of the Legislature, without a written order from the Speaker.

RULE 18th.

Any member, on motion, or in debate, may call for the reading of any law, journal, record or other public proceedings, which may relate to the subject-matter.

RULE 19th.

No member shall nominate more than one person on any Committee, and in making such nomination, he shall rise and address himself to the Speaker.

RULE 20th.

The name of every member making a motion, present-

ing any petition, memorial or other paper, or proposing any resolution, order or other matter, shall be inserted on the Journal; but if any motion or proposition be withdrawn, all proceedings relating immediately thereto, shall be expunged from the Journal.

RULE 21st.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out or cross the House; nor in such case, or while a member is speaking, shall hold private discourse so as to interrupt debate.

RULE 22nd.

When a motion is made and seconded, it shall be stated by the Speaker; or being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debate; and every motion shall be reduced to writing, if the Speaker or any member require it.

RULE 23rd.

When a motion is made and seconded, or when a question is under debate, the matter shall receive a determination by the question, or it may be postponed by a motion to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and if carried, shall be equivalent to its rejection; and when a question is postponed indefinitely, the same shall not be acted on again during the session.

RULE 24th.

The previous question shall be in this form: "Shall the main question be now put?" It may be called for on any question except on an amendment or other matter which cannot in its nature be postponed; and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate of the main question.

RULE 25th.

On a motion for the previous question, on a motion to lie on the table, or a motion to adjourn, there shall be no debate.

RULE 26th.

Every question shall be entered on the Journal, and the yeas and nays shall be taken, when required by five members who shall have divided on the question; and whenever the yeas and nays are ordered to be taken, no question of adjournment shall be received or propounded by the Speaker, until the yeas and nays are called, counted and reported.

RULE 27th.

Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House.

RULE 28th.

A motion to strike out and insert, shall be deemed indivisible; but the matter proposed to be inserted may be divided if required, according to the 27th rule. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

RULE 29th.

All questions except on the final passage of a bill, or a motion to suspend the Rules, or those otherwise herein provided for, shall be determined by a majority of the members present; those dividing in the affirmative rising in their places, those in the negative continuing in their seats, and so *vice versa*, until a decision by the Speaker.

RULE 30th.

The question on the final passage of a bill, shall always be determined by ayes and noes, which shall be recorded on the Journal, and unless it shall thus appear that a majority of the whole number of members elected to the House have voted in the affirmative, the bill shall be declared rejected.

RULE 31st.

When a question has once been decided in the affirmative or negative, a motion of reconsideration shall be in order, if made by one member, and seconded by two others who voted in the

majority, within three days, of actual session, after the decision; but should a bill, on its final passage, be declared rejected, merely for the want of a Constitutional majority, the motion for reconsideration may be made by one member, and seconded by two others, who voted in either the affirmative or negative; and no motion for reconsideration shall be postponed or laid on the table.

RULE 32d.

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; and the object of all petitions and memorials shall be endorsed on the back, and entered on the journal.

RULE 33d.

The unfinished business in which the House was engaged at the preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of.

RULE 34th.

Any fifteen members (including the Speaker, if there be one,) shall be authorized to compel the attendance of absent members.

RULE 35th.

Every committee shall have leave to report by bill or otherwise.

RULE 36th.

No committee shall sit during the sitting of the House, without special leave.

RULE 37th.

On an election to any office of trust or profit, no ballot shall be counted, unless the person for whom it be given, be nominated to the House before the balloting be commenced, except as may be otherwise provided for by the Constitution.

RULE 38th.

When a blank is not filled up, and different sums, numbers, or times shall be proposed, the question shall be taken on the largest sum, or number, and on the longest time.

OF BILLS AND RESOLUTIONS.

RULE 39th.

Every bill shall be introduced by motion for leave, by an order of the House, or on the report of a committee; and in either of the two cases first mentioned, a committee to prepare the same shall be appointed.

RULE 40th.

Every bill shall receive three readings in the House, on three different days of the session, previous to its passage, unless three-fourths of the members of the House otherwise determine.

RULE 41st.

The first reading of a bill shall be for information, and if opposition be made to it, the question shall be "Shall this bill be considered?" If no opposition be made, or if the question to consider be decided in the affirmative, the bill shall go to its second reading without a question.

RULE 42d.

All bills of a local character and of a partial operation received from the Senate, shall be referred to a Select Committee of three members, to be appointed by the Speaker; and bills of a public or general character, received from the Senate, relating to subjects upon which committees have been appointed, shall be referred, severally, to the committee to which the same belong respectively.

RULE 43d.

Every resolution originating in this House, or received from the Senate, shall be read on two several days, with an intermission of one day at least, during which time, it shall lie on the table for the perusal of members, unless on very urgent occasions, the House, by special order, two-thirds of the members present agreeing, dispense with the rule; which order shall be entered on the journal.

RULE 44th.

No resolution shall have a second reading, or bill a third reading, until every member in the city shall be called upon to attend,

(if required by three members,) except he be excused by the House for indisposition, or a necessary attendance on public business; but calls of the House shall be made if required by seven members, at any time, when a subject is under consideration.

RULE 45th.

All joint resolutions which have been once read, and are entitled to a second reading, and all bills which have been once or twice read, and are entitled to a second or third reading, by the rules of the House, shall be arranged every morning agreeably to seniority, by the Clerk, placed on the Speaker's desk, taken up by him in due order, the date of their last reading announced, and read a second or third time, although no motion for a second or third reading may have been made.

RULE 46th.

The following Standing Committees, each to consist of seven members, (except the Committees on Ways and Means, Judiciary, and Corporations, which shall consist of nine members each,) shall be appointed by the Speaker, at the commencement of the session, viz :

1. A committee on Elections.
2. A committee on Ways and Means.
3. A committee on Claims.
4. A committee on the Judiciary.
5. A committee on Pensions.
6. A committee on Internal Improvements.
7. A committee on Education.
8. A committee on Militia.
9. A committee on Agriculture.
10. A committee on Corporations.
11. A committee on Inspections.
12. A committee on Colored Population.
13. A committee on Lotteries.
14. A committee on the Library.
15. A committee on Printing.
16. A committee on Insolvency.
17. A committee on Engrossed Bills and Resolutions.
18. A committee on Expiring Laws.
19. A committee on Federal Relations.
20. A committee on the Currency.
21. And also a committee on the Contingent Fund, placed at the disposal of the Executive.

OF THE COMMITTEE OF THE WHOLE HOUSE.

RULE 47th.

The House shall be resolved into a Standing Committee of

the Whole on the condition of the State, if required by seven members; which committee may originate bills or resolutions. Bills on their third reading, and all other matters on their second reading, shall, if required by five members, be committed to a committee of the whole House.

RULE 48th.

In forming a committee of the whole House, the Speaker shall leave his Chair, and a Chairman to preside in committee, shall be appointed by the Speaker.

RULE 49th.

Upon bills, resolutions, reports, orders, or other matters committed to a committee of the whole House, the same shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the title and preamble to be last considered. The body of the bill, resolution, report, order, or other matter, shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill, resolution, report, order, or other matter, shall again be subject to be debated and amended by clauses.

RULE 50th.

The rules of proceeding in the House, shall be observed in a committee of the whole House, as far as applicable.

RULE 51st.

No standing rule or order shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of at least two-thirds of the members present.

RULE 52d.

Reports of committees on subjects of a private or local nature, shall not, in future, be entered, *in extenso*, on the journal; but the favorable or unfavorable character only, of such reports, shall be placed on the journal.

